

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 99-882

January 21, 2000

CENTRAL MAINE POWER COMPANY  
Re: Application for Approval of Affiliated  
Interest Transaction with MaineCom  
Services

NOTICE OF PROCEEDING  
AND CONFERENCE

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On December 15, 1999, Central Maine Power Company (CMP) filed a redacted Petition for Approval of Affiliated Interest Transaction with MaineCom Services for the Use of Fibers Within a Fiber Optic Cable. In this filing, CMP provides a term sheet that describes the terms for a fiber optic lease agreement between MaineCom and CMP. The redacted version of CMP's filing omits the amount of the lease fee under the term sheet. On December 28, 1999, the Examiner issued Temporary Protective Order No. 1, and on January 7, 2000, CMP filed a confidential unredacted Petition and term sheet.

CMP proposes to lease to MaineCom strands of fibers within a fiber-optic cable installed on CMP's transmission line structures between Livermore Falls, Maine and Rumford, Maine. The term sheet requires MaineCom to lease at least four fibers between March 1, 2000 and April 15, 2010. The term sheet provides additional lease options to MaineCom.

The term sheet alternatively allows MaineCom to exercise, under certain conditions, an Indefeasible Right to Use (IRU) at least 12 fibers. The IRU is conditioned upon a purchase price to be paid as an annual amount per year and upon expiration of the term of the IRU on April 14, 2010 unless extended on a year-to-year basis on terms agreeable to CMP and MaineCom. An additional condition of the IRU is that CMP agrees to offer MaineCom additional fibers in the Cable on a first refusal basis, to the extent CMP determines, in its sole discretion, that neither CMP nor its subsidiaries, successors or assigns need or will need such fibers. Finally the term sheet provides that the lease IRU agreement will contain commercial terms consistent with the terms of the lease between CMP and MaineCom dated September 17, 1998, to the extent not inconsistent with the term sheet.

Section 707 of Title 35-A M.R.S.A. governs CMP's petition. The Commission's standard for approval of the transaction is that it is not adverse to the public interest. 35-A M.R.S.A. § 707(3).

**The deadline for intervention in this matter is February 4, 2000.** This notice is being provided to parties to Docket No. 96-749 (involving the MaineCom-CMP License Agreement for use of fiber optic cable installed along CMP's transmission and distribution rights of way). Petitions to intervene should state the petitioner's interest in the proceeding, the manner in which the petitioner seeks to participate in the case and issues that the petitioner believes should be addressed in the proceeding. In addition, if a petitioner other than the Public Advocate seeks to have access to confidential material, the petitioner should request modification of Temporary Protective Order No. (appended to this Notice).

**On or before February 4, 2000, CMP is required to file the agreement between it and MaineCom that embodies the provisions in the term sheet (if such an agreement has been drafted by that time).** If by February 4, 2000, no such agreement exists, CMP shall file a report indicating when the agreement will be completed.

**An initial case conference and technical conference is scheduled for February 10, 2000 at 10:00 a.m. in the Commission's Hearing Room.**

Dated at Augusta, Maine, this 21st day of January, 2000.

BY ORDER OF THE EXAMINER

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Lisa C. Fink